

CHAPTER 44G

STATE BOARD OF SOCIAL WORK EXAMINERS

Authority

N.J.S.A. 45:15BB-1 et seq.

Source and Effective Date

R.2003 d.265, effective June 10, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Chapter Expiration Date

Chapter 44G, State Board of Social Work Examiners, expires on June 10, 2008.

Chapter Historical Note

Chapter 44G, State Board of Social Work Examiners, consisting of Subchapter 14, Fees, was adopted as R.1993 d.23, effective January 4, 1993. See: 24 N.J.R. 2523(a), 25 N.J.R. 191(a). Subchapters 1 through 5, 7 and 8 were adopted as R.1994 d.189, effective April 4, 1994. See: 25 N.J.R. 3081(a), 26 N.J.R. 1524(a). Subchapters 9 through 12 were adopted as R.1996 d.19, effective January 2, 1996. See: 27 N.J.R. 1755(a), 28 N.J.R. 189(a). Subchapter 6, Continuing Education, was adopted as R.1997 d.167, effective April 7, 1997. See: 28 N.J.R. 4733(a), 29 N.J.R. 1342(a).

Pursuant to Executive Order No. 66(1978), Chapter 44G, State Board of Social Work Examiners, was readopted as R.1998 d.66, effective December 23, 1997. Subchapter 5, Licensure Without Examination; Certification Without Proof of Educational Criteria; Endorsement, was repealed, R.1998 d.66 effective January 20, 1998. See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Chapter 44G, State Board of Social Work Examiners, was readopted as R.2003 d.265, effective June 10, 2003. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS

- 13:44G-1.1 Purpose and scope
- 13:44G-1.2 Definitions
- 13:44G-1.3 Persons requiring licensure; persons requiring certification

SUBCHAPTER 2. AGENCY ORGANIZATION AND ADMINISTRATION

- 13:44G-2.1 Description of the Board
- 13:44G-2.2 Office location and mailing address

SUBCHAPTER 3. AUTHORIZED PRACTICE

- 13:44G-3.1 Practice as a LCSW; scope
- 13:44G-3.2 Practice as a LSW; scope
- 13:44G-3.3 Practice as a CSW; scope

SUBCHAPTER 4. APPLICANT QUALIFICATIONS; BOARD-APPROVED EXAMINATION; ENDORSEMENT

- 13:44G-4.1 Eligibility requirements; LCSW
- 13:44G-4.2 Eligibility requirements; LSW
- 13:44G-4.3 Eligibility requirements; CSW
- 13:44G-4.4 Refusal to issue, suspension or revocation of license or certification

13:44G-4.5 Endorsement

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. CONTINUING EDUCATION

- 13:44G-6.1 License and certification renewal and continuing education requirement
- 13:44G-6.2 Credit-hour requirements
- 13:44G-6.3 Content areas for continuing education credit
- 13:44G-6.4 Sources of continuing education credits and credit-hour calculations
- 13:44G-6.5 Documentation of continuing education credit
- 13:44G-6.6 Waiver of continuing education requirements
- 13:44G-6.7 Responsibilities of continuing education providers

SUBCHAPTER 7. LICENSE AND CERTIFICATION RENEWALS

- 13:44G-7.1 Biennial license and certification renewal; inactive status
- 13:44G-7.2 Return from inactive status
- 13:44G-7.3 Reinstatement of suspended license

SUBCHAPTER 8. CLINICAL SUPERVISION

- 13:44G-8.1 Clinical supervision

SUBCHAPTER 9. GENERAL OBLIGATIONS OF LICENSEES AND CERTIFICATE HOLDERS; UNLICENSED PRACTICE

- 13:44G-9.1 Notification of change of address; service of process; notice of disciplinary action in another jurisdiction
- 13:44G-9.2 Notification of change of name
- 13:44G-9.3 Unlicensed practice of social work

SUBCHAPTER 10. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

- 13:44G-10.1 Display of notice of licensure or certification; notification of availability of fee information
- 13:44G-10.2 Financial arrangements with clients
- 13:44G-10.3 LCSW; financial arrangements with clients
- 13:44G-10.4 Conflicts of interest
- 13:44G-10.5 Professional interactions with clients
- 13:44G-10.6 Termination of services
- 13:44G-10.7 Sexual misconduct, harassment; discrimination
- 13:44G-10.8 Reporting of violations by other licensees
- 13:44G-10.9 Prohibition on solicitation; unethical referrals and kick-backs
- 13:44G-10.10 Prohibition on excessive fees

SUBCHAPTER 11. ADVERTISING

- 13:44G-11.1 Definitions
- 13:44G-11.2 Advertising; general requirements
- 13:44G-11.3 Minimum content
- 13:44G-11.4 Use of professional credentials and certifications
- 13:44G-11.5 Advertisements regarding fees; required disclosures
- 13:44G-11.6 Prohibited types or methods of advertising
- 13:44G-11.7 Use of testimonials
- 13:44G-11.8 Retention of advertisements

SUBCHAPTER 12. CLIENT RECORDS; CONFIDENTIALITY

- 13:44G-12.1 Preparation and maintenance of client records
- 13:44G-12.2 Use of computer to prepare client records
- 13:44G-12.3 Confidentiality
- 13:44G-12.4 Release of client record

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. FEES

13:44G-14.1 Fees

SUBCHAPTER 1. PURPOSE AND SCOPE;
DEFINITIONS

13:44G-1.1 Purpose and scope

(a) The rules contained in this chapter implement the provisions of the Social Workers' Licensing Act of 1991, P.L. 1991, c.134, and regulate the profession of social work within the State of New Jersey.

(b) This chapter shall apply to any individual licensed or certified by the State Board of Social Work Examiners, regardless of the setting where the individual is working.

(c) This chapter shall not apply to those individuals exempt from the provisions of the Act pursuant to N.J.S.A. 45:15BB-5.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote (b) and (c).

13:44G-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"ASWB" means Association of Social Work Boards.

"Clinical social work" means the professional application of social work methods and values in the assessment and psychotherapeutic counseling of individuals, families, or groups.

"Clinical social work services" means social work services which may be performed only by a LCSW or a LSW under supervision pursuant to N.J.A.C. 13:44G-8. Clinical social work services include, but are not limited to, the following:

1. Clinical assessment, defined as the process of evaluation in which a LCSW or a LSW conducts a differential, individualized and accurate identification of the psychosocial/behavioral problems existing in the life of the individual client, the family or group for the purpose of establishing a plan to implement a course of psychotherapeutic counseling. A clinical social work assessment includes, but is not limited to, a mental status examination and a psychosocial history. The clinical social worker may utilize currently accepted diagnostic classifications including, but not limited to, the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as amended and supplemented.

2. Clinical consultation, defined as ongoing case discussion and evaluation focusing on, but not limited to, clinical social work data, clinical goals and treatment plans for the implementation of psychotherapeutic counseling with individuals, groups and families. Clinical consultation may also include intervention with appropriate individuals and entities;

3. Psychotherapeutic counseling, defined as ongoing interaction between a social worker and an individual, family or group for the purpose of helping to resolve symptoms of mental disorder, psychosocial stress, relationship problems or difficulties in coping with the social environment;

4. Client centered advocacy, defined as the service in which, as part of the psychotherapeutic process, the social worker functions on behalf of individuals, families or groups to bring about or influence change to improve the quality of life, enhance empowerment and assure the basic rights of the client; and

5. Clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

"CSW" means certified social worker.

"LCSW" means licensed clinical social worker.

"LSW" means licensed social worker.

"Social work" means the activity directed at enhancing, protecting or restoring a person's capacity for social functioning, whether impaired by physical, environmental, or emotional factors.

"Social work services" means services which may be performed only by a Board licensee or certificate holder. Social work services include, but are not limited to, the following:

1. "Social work assessment," defined as identifying problems and gathering sufficient information to make referrals and to determine and implement a plan of social care and action;

2. "Social work counseling," defined as the professional application of social work methods and values in advising and providing guidance to individuals, families or groups for the purpose of enhancing, protecting or restoring the capacity for coping with the social environment, exclusive of the practice of psychotherapy and includes giving advice, delineating alternatives, helping to articulate goals and providing needed information.

3. "Social work consultation," defined as discussion and evaluation focusing on data, goals and objectives, including intervention with individuals, agencies, businesses, organizations, groups and communities for purposes of problem solving;

4. "Social work planning," defined as specifying future objectives, evaluating the means for achieving them, including identifying appropriate resources, and making deliberate choices about appropriate courses of action in order to enhance social well-being;

5. "Social work community organization," defined as the process of social interaction and the method of social work concerned with meeting broad needs and bringing about and maintaining adjustment between needs and resources in a community or other areas; helping people to deal more effectively with their problems and objectives by helping them develop, strengthen and maintain qualities of participation, self-direction and cooperation; and bringing about changes in community and group relationships and in the distribution of decision-making power. The community which is the primary client may be an organization, neighborhood, city, county, state or national entity;

6. "Social work policy," defined as the practice concerned primarily with translating laws, technical knowledge and administrative rulings into organizational goals and operational policies to guide organizational behavior; designing organizational structure and procedures or processes through which social work goals can be achieved; securing resources in the form of material, staff and clients; and obtaining the public support necessary for attaining social work goals;

7. "Social work administration," defined as applying specialized social work knowledge, skills and techniques to the coordinated totality of activities in a social welfare organization in order to transform policies into services; also, a method of practice by which the social worker plans, assigns, coordinates, evaluates and mediates the interdependent tasks, functions, personnel, and activities that are called upon to achieve the mission of the organization;

8. "Social work research," defined as the formal organization and the methodology of data collection and the analysis and evaluation of data; and

9. "Social work client-centered advocacy," defined as the service in which the social worker functions on behalf of individual clients, groups, or other entities including, but not limited to, social work and governmental agencies, and specific issues related to those organizations. The purpose of client centered advocacy is to bring about or influence change to improve the quality of life, enhance empowerment and assure the basic rights of the entity or individual being served by the social worker.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In "Social work services", inserted new 2, "Social work counseling", and recodified former 2 through 8 as 3 through 9.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Inserted "ASWB", "CSW", "LCSW" and "LSW".

13:44G-1.3 Persons requiring licensure; persons requiring certification

Unless exempted from licensure or certification pursuant to N.J.S.A. 45:15BB-5, a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.1 is required to be licensed as a clinical social worker; a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.2 is required to be licensed as a social worker; and a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.3 is required to be certified as a social worker.

SUBCHAPTER 2. AGENCY ORGANIZATION AND ADMINISTRATION

13:44G-2.1 Description of the Board

The State Board of Social Work Examiners, created in the Division of Consumer Affairs, Department of Law and Public Safety, is constituted under N.J.S.A. 45:15BB-1 et seq.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(a).

Rewrote the section.

13:44G-2.2 Office location and mailing address

The offices of the Board are located at 124 Halsey Street, Newark, New Jersey 07102. The mailing address of the Board is Post Office Box 45033, Newark, New Jersey 07101.

SUBCHAPTER 3. AUTHORIZED PRACTICE

13:44G-3.1 Practice as a LCSW; scope

(a) The scope of practice of a LCSW includes, but is not limited to:

1. Clinical social work services. Clinical social work services include, but are not limited to, clinical assessment, clinical consultation, psychotherapeutic counseling, client centered advocacy, and clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1. These terms are more specifically defined in N.J.A.C. 13:44G-1.2; and

2. Social work services. Social work services include, but are not limited to, social work assessment, social work consultation, social work counseling, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)2, inserted a reference to social work counseling.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), substituted "LCSW" for "licensed clinical social worker" in the introductory paragraph.

13:44G-3.2 Practice as a LSW; scope

(a) The scope of practice of a LSW includes, but is not limited to:

1. Social work services. Social work services include, but are not limited to, social work assessment, social work counseling, social work consultation, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2; and

2. Clinical social work services, under the supervision of a LCSW or other supervisor acceptable to the Board pursuant to the clinical supervision standards set forth in N.J.A.C. 13:44G-8.1. Clinical social work services include, but are not limited to, clinical assessment, clinical consultation, psychotherapeutic counseling and client centered advocacy. A LSW may not, however, provide clinical supervision. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)1, inserted a reference to social work counseling; and in (a)2, inserted a reference to other supervisors, and deleted former i and ii.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Substituted "LSW" for "licensed social worker" throughout. substituted "LCSW" for "licensed clinical social worker" throughout.

13:44G-3.3 Practice as a CSW; scope

(a) The scope of practice of a CSW includes, but is not limited to, social work services. Social work services include, but are not limited to, social work assessment, social work consultation, social work counseling, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

(b) A CSW shall not engage in clinical social work services.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted a reference to social work counseling.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Substituted "CSW" for "certified social worker" throughout.

SUBCHAPTER 4. APPLICANT QUALIFICATIONS; BOARD-APPROVED EXAMINATION; ENDORSEMENT

13:44G-4.1 Eligibility requirements; LCSW

(a) For purposes of this section, "two years of full-time clinical social work" means 1,920 hours of face-to-face client contact within any three consecutive year period subsequent to earning a master's degree in social work under direct supervision pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

(b) An applicant for licensure as a LCSW shall submit the following, on forms provided by the Board.

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1;

3. An official transcript indicating that the applicant:

i. Received a master's degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or a doctorate degree in social work from an accredited institution of higher education;

ii. Completed 12 semester hours of graduate level course work in methods of clinical social work practice, exclusive of field placement, from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education. The applicant shall obtain 12 credits in any of the following areas of study:

- (1) Human behavior and the social environment;
- (2) Diagnosis and assessment in social work practice;
- (3) Models of psychotherapy or clinical practice (for example, psychodynamic, behavioral, cognitive therapies, task-centered, psychosocial, crisis intervention approaches, etc.);
- (4) Clinical supervision and consultation; and/or
- (5) Intervention with special populations;

4. A supervisor's certification indicating that the applicant has acquired two years of satisfactory full-time clinical social work experience under supervision within a period of not less than two, and not more than three consecutive years. In the event that the applicant is unable to provide a supervisor's certification, the applicant shall submit to the Board an affidavit explaining the reason(s) why the applicant is not able to obtain the supervisor's certification;

5. Proof that the applicant has successfully completed the clinical examination administered by the ASWB; and

6. Proof that the applicant was a LSW at the time that the experience in (a) above was acquired, or proof that the applicant engaged in social work practice in a setting in which licensure is not required pursuant to N.J.S.A. 45:15BB-5.

Amended by R.1996 d.19, effective January 2, 1996.

See: 27 N.J.R. 1755(a), 28 N.J.R. 189(a).

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted "subsequent to earning a master's degree in social work"; and in (b), rewrote 4, deleted "unless the applicant is applying for licensure without examination pursuant to the provisions of N.J.A.C. 13:44G-5.1" in 5, and added 6.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Rewrote the section.

Cross References

Exemption, see N.J.A.C. 13:44G-4.5.

13:44G-4.2 Eligibility requirements; LSW

(a) An applicant for licensure as a LSW shall submit the following, on forms provided by the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1;

3. An official transcript indicating that the applicant has received a master's degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or a doctorate in social work from an accredited institution of higher education; and

4. Proof of successful completion of the intermediate examination administered by the American Association of State Social Work Boards.

i. An applicant pursuing a master's degree in social work and enrolled in the last semester of an educational program accredited or in candidacy for accreditation by the Council on Social Work Education, is eligible to take the intermediate examination.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)4, deleted "unless the applicant is applying for licensure pursuant to the provisions of N.J.A.C. 13:44G-5.2", and added i. Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), substituted "LSW" for "social worker" in the introductory paragraph.

Cross References

Exemption, see N.J.A.C. 13:44G-4.5.

13:44G-4.3 Eligibility requirements; CSW

(a) An applicant for certification as a CSW shall submit the following, on forms provided by the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1; and

3. The following documents:

i. An official transcript indicating that the applicant has received a baccalaureate degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or

ii. An official transcript indicating that the applicant acquired a baccalaureate degree prior to April 6, 1995, from an accredited institution of higher education in one of the following fields: Guidance and Counseling, Human Services, Marriage and Family Counseling, Psychology, Sociology, Vocational/Disability Rehabilitation, and Social Work (from institutions not accredited, or in candidacy for accreditation, by the Council on Social Work Education) and an affidavit or other form as the Board may require attesting to the applicant having acquired one year of full-time social work experience.

rience (1,600 hours in any consecutive 18-month period) prior to April 6, 1995.

Amended by R.1996 d.423, effective September 3, 1996.

See: 28 N.J.R. 2319(a), 28 N.J.R. 4103(a).

In (a)3 deleted exception for applicants applying for certification under 13:44G-5.3 and added provision for applicants acquiring baccalaureate degrees prior to April 6, 1995.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), substituted "CSW" for "social worker" in the introductory paragraph.

13:44G-4.4 Refusal to issue, suspension or revocation of license or certification

The Board may refuse to issue or renew or may suspend or revoke any license or certification issued by the Board, after an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., for any of the reasons set forth in N.J.S.A. 45:1-21.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

13:44G-4.5 Endorsement

(a) An applicant who is licensed or registered under the laws of a state, territory or jurisdiction of the United States and who otherwise meets the requirements of N.J.A.C. 13:44G-4.1 and 4.2 may be exempted from the examination requirements of N.J.A.C. 13:44G-4.1 and 4.2 provided that:

1. The educational and experiential requirements of the state, territory or jurisdiction are substantially the same as the requirements of N.J.S.A. 45:15BB-1 et seq.; and

2. The applicant has passed an examination which is similar to the Board-required examination.

(b) An applicant for licensure pursuant to this section shall submit the following to the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1;

3. The documentation required pursuant to N.J.A.C. 13:44G-4.1 or 4.2 relative to educational and experiential requirements for the type of licensure sought; and

4. Examination results.

Recodified from 13:44G-5.4 by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)2, substituted "passed" for "taken".

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), amended the N.J.S.A. reference in 1 and substituted "required" for "approved" following "Board".

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. CONTINUING EDUCATION

13:44G-6.1 License and certification renewal and continuing education requirement

Any applicant who applies for a license or certification renewal shall confirm on the renewal application that the applicant has completed continuing professional education programs or courses of the types and number of credits specified in N.J.A.C. 13:44G-6.2, 6.3 and 6.4. The Board shall not issue a license or certification renewal to any applicant who fails to confirm that the applicant has completed the continuing professional education requirements unless the Board issues the applicant a valid waiver pursuant to N.J.A.C. 13:44G-6.6.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Rewrote the first sentence.

13:44G-6.2 Credit-hour requirements

(a) Effective September 1, 2004 (that is, the biennial period beginning September 1, 2004 through August 31, 2006), an applicant for a biennial license or certification renewal shall complete the applicable continuing education credits as follows:

1. A LCSW shall complete a minimum of 40 credits of continuing education, of which at least 20 of the 40 credits shall be in courses or programs directly related to clinical practice and five credits must be related to ethics. If the LCSW earns more than 40 credits during a biennial period, the LCSW may carry a maximum of eight surplus credits into a succeeding biennial period, of which two may be in courses or programs directly related to clinical practice;

2. A LSW shall complete a minimum of 30 credits of continuing education, five of which must be related to ethics. If the LSW earns more than 30 credits during a biennial period, the LSW may carry a maximum of six surplus credits into a succeeding biennial period; and

3. A CSW shall complete a minimum of 20 credits of continuing education, five of which must be related to ethics. If the CSW earns more than 20 credits during a biennial period, the CSW may carry a maximum of four surplus credits into a succeeding biennial period.

(b) If an applicant initially obtains a license or certificate within the second year of a biennial license period, the applicant shall complete not fewer than one-half of the minimum required credits of continuing education, three credits of which shall be in ethics related courses. A LCSW shall complete a least 10 of the 20 credits in programs which directly relate to clinical practice.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).
Rewrote the section.

13:44G-6.3 Content areas for continuing education credit

(a) The Board shall grant continuing education credit only for programs or courses which are directly related to social work practice and which are advertised and available on a nondiscriminatory basis.

(b) The following content areas are acceptable for continuing education credit:

1. Theories and concepts of human behavior and the social environment;
2. Social work practice, knowledge and skills;
3. Social work research, program evaluation or practice evaluation;
4. Management/administration/social policy; and
5. Social work ethics, including, but not limited to, topics in boundary relationships, conflicts of interest, confidentiality, and recordkeeping.

(c) The following content areas are unacceptable for continuing education credit:

1. Personal development; and
2. Supervisory sessions.

(d) The Board shall maintain a list of all approved programs, courses and seminars at its offices.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).
Rewrote the section.

13:44G-6.4 Sources of continuing education credits and credit-hour calculations

(a) The Board shall grant credit only for continuing education programs or courses that are at least one instructional hour long, and are directly related to social work practice. For purposes of this subchapter, an "instructional hour" represents a 60-minute clock hour with no less than 50 minutes of content within the hour. Programs or courses may include one 10-minute break for each instructional hour.

(b) A licensee or certificate holder shall complete and be able to verify such completion of a continuing education program or course in order to receive continuing education credit. The Board shall grant a licensee or certificate holder continuing education credit for each two year period as follows:

1. Attendance at programs or courses approved by the ASWB: one credit for each hour of attendance;

2. Attendance at programs or courses approved by the National Association of Social Workers (NASW): one credit for each hour of attendance;

3. Attendance at programs or courses given at State and national social work association conferences, where the criteria for membership is either licensure or certification as a social worker: one credit for each hour of attendance;

4. Attendance at continuing education programs offered at a regionally accredited institution: one credit for each hour of attendance;

5. Completion of an undergraduate or graduate-level course at a regionally accredited institution: five credits for each course credit, up to a maximum of one-half of the required continuing education credits; and

6. Attendance at in-service training in a subject matter related to the setting in which the licensee works: one credit for each hour of training up to a maximum of six credits. Such in-service training shall not include staff meetings, quality assurance or case reviews or case management.

(c) Licensees or certificate holders shall receive continuing education credit for the following:

1. A refereed article published in a professional journal within the preceding biennial period: nine credits per article;

2. Teaching appointments for courses offered in accredited institutions: 15 credits for each new course which a licensee or certificate holder teaches. For the purposes of this subsection, "new" represents a course that the licensee or certificate holder has not taught previously in any educational setting; and

3. Presentations at workshops, training sessions and seminars: 1.5 credits for each hour of a new offering up to a maximum of nine credits.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).
Rewrote the section.

13:44G-6.5 Documentation of continuing education credit

(a) A licensee or certificate holder shall keep comprehensive records of the continuing education hours which the licensee or certificate holder completes in order to verify program attendance or activity completion. Each licensee and certificate holder shall submit such documentation to the Board upon its request.

(b) The licensee or certificate holder shall verify attendance at approved continuing education programs by a certificate of attendance or by a statement from the instructor of the offering. The verification shall include the name of the licensee or certificate holder, the name of the sponsor, the title, location and date of the offering, the signature of a

program official and the number of continuing education hours.

(c) The licensee or certificate holder shall verify individual activities by retaining the following:

1. For publications, a copy of the published article;
2. For presentations, copies of the program, syllabus, outlines and bibliographies;
3. For teaching appointments, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was not previously offered.

(d) A licensee or certificate holder shall verify completion of academic coursework by an official transcript.

(e) A licensee or certificate holder shall maintain verification records for five years following the renewal period for which the Board has granted the licensee or certificate holder continuing education credit.

13:44G-6.6 Waiver of continuing education requirements

(a) The Board may, at its discretion, waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause.

(b) A licensee or certificate holder who seeks a waiver of the continuing education requirements shall provide to the Board, in writing, the specific reasons for requesting the waiver and such additional information as the Board may request in support of the waiver.

13:44G-6.7 Responsibilities of continuing education sponsors

(a) A continuing education sponsor not included in N.J.A.C. 13:44G-6.4(b) shall obtain Board approval for each course offered and advertised as satisfying continuing education requirements.

(b) The continuing education sponsor shall submit the following for each course for which the sponsor seeks approval:

1. A detailed description of course content and hours of instruction;
2. A curriculum vitae of the lecturer, including specific background which demonstrates that the lecturer is reputable and qualified in the area of instruction; and
3. The fee required pursuant to N.J.A.C. 13:44G-14.1.

(c) The sponsor shall not make substantive changes to an approved course or program, such as a change in course content or instructor, without prior notice to, and approval by, the Board.

(d) The sponsor shall monitor attendance at each approved course and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1. Title, date and location of course offering;
2. Name and license or certificate number of the attendee;
3. Number of credits awarded; and
4. Name and signature of officer or responsible party.

(e) At the conclusion of the program, the sponsor shall solicit evaluations from both the participants and the instructor. The sponsor shall retain the evaluations for three years.

(f) Continuing education programs shall be offered on a non-discriminatory basis. Nothing in this section implies that membership organizations may not discount the cost of attending continuing education programs for dues-paying members, or that agencies may not seek accreditation for programs offered to staff only.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), inserted "not included in N.J.A.C. 13:44G-6.4(b)" following "education sponsor".

SUBCHAPTER 7. LICENSE AND CERTIFICATION RENEWALS

13:44G-7.1 Biennial license and certification renewal; inactive status

(a) All licenses and certificates issued by the Board shall be issued for a two-year biennial licensure period. A licensee or certificate holder who seeks renewal of the license or certificate shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:44G-14.1 prior to the expiration date of the license or certificate.

(b) Renewal applications shall provide the applicant with the option of either active or inactive status. A licensee or certificate holder electing inactive status shall pay the inactive license or certificate fee set forth in N.J.A.C. 13:44G-14.1, and shall not engage in the practice of social work.

(c) If a licensee or certificate holder does not renew the license or certificate prior to its expiration date, the licensee or certificate holder may renew the license or certificate within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:44G-14.1.

(d) A license or certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license or certificate shall be deemed to be engaged in unlicensed practice.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (b), inserted a reference to certificate holders; and added (c).

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Rewrote the section.

13:44G-7.2 Return from inactive status

(a) A licensee or certificate holder who elected inactive status and has been on inactive status for less than five years may be reinstated by the Board upon completion of the following:

1. Payment of the appropriate renewal fee listed in N.J.A.C. 13:44G-14.1 for the social workers level of licensure or certification;
2. The completion of the continuing education units required for each biennial registration period for which they were on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period they were on inactive status which includes the names, addresses, and telephone numbers of each employer.

(b) A licensee or certificate holder who was on inactive status for more than five years who wishes to return to the practice of social work shall reapply for licensure or certification. The applicant shall fulfill all of the initial licensure or certification requirements found at N.J.A.C. 13:44G-4.1, 4.2 or 4.3, as applicable.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted a reference to certificates.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Rewrote the section.

13:44G-7.3 Reinstatement of suspended license

(a) An individual whose license or certificate has been automatically suspended for up to five years for nonpayment of a biennial renewal fee pursuant to N.J.A.C. 13:44G-7.1(d) may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:44G-14.1;
2. Completion of the continuing education units required for each biennial registration period for which they were suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license or

certification which includes the names, addresses, and telephone numbers of each employer.

(b) A licensee or certificate holder who was suspended for more than five years who wishes to return to the practice of social work shall reapply for licensure or certification. The applicant shall fulfill all of the initial licensure or certification requirements found at N.J.A.C. 13:44G-4.1, 4.2 or 4.3, as applicable.

New Rule, R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

SUBCHAPTER 8. CLINICAL SUPERVISION

13:44G-8.1 Clinical supervision

(a) All LSWs shall not engage in independent private clinical social work practice and all LSWs engaged in clinical social work practice shall have clinical supervision in accordance with the following standards:

1. Clinical supervision shall consist of contact between a social worker and a supervisor during which at least the following occurs:
 - i. The social worker appraises the supervisor of the diagnosis and treatment of each client;
 - ii. The social worker's cases are discussed;
 - iii. The supervisor provides the social worker with oversight and guidance in diagnosing and treating clients;
 - iv. The supervisor regularly reviews and evaluates the professional work of the social worker; and
 - v. The supervisor provides at least one hour of face-to-face individual or group clinical supervision per week.

2. Until July 7, 2004, clinical supervision may be rendered by:

- i. A clinical social worker licensed by this State;
- ii. A Board certified psychiatrist licensed by the New Jersey Board of Medical Examiners;
- iii. A psychologist licensed by the New Jersey Board of Psychological Examiners; or
- iv. Any other supervisor the Board may deem acceptable.

3. All applicants shall obtain the Board's prior written approval of any person rendering supervision other than a person identified in (a)2i through iii above.

4. Beginning on July 7, 2004, clinical supervision shall be rendered by a LCSW with a minimum of three years of licensure as a LCSW and who has completed at least 20

continuing education credits of post-graduate course-work related to supervision. Any LSW who has entered into a supervisory relationship with a supervisor pursuant to (a)2 above may continue the supervisory relationship until July 7, 2007.

5. The supervisor shall retain responsibility for the standards of clinical social work practice with respect to treatment being rendered to the client.

6. The supervisor shall refer the clients to the social worker unless the social worker is employed by an agency and obtains supervision pursuant to (d) below.

7. The supervisor or the supervisor's employer shall receive the fee paid by clients for services performed by the social worker engaged in a supervisory relationship.

(b) Prior to commencement of this supervisory relationship, each social worker shall provide the supervisor with proof of their licensure and each supervisor shall verify licensure of the supervisee.

(c) A supervisor shall oversee a maximum of six social workers pursuing the two years of full-time clinical social work experience as set forth in N.J.A.C. 13:44G-4.1.

1. A supervisor who provides group supervision shall oversee a maximum of four social workers in any single group.

(d) Upon written consent of the employer, the social worker shall arrange for off-premises supervision, where no supervision is available onsite.

1. In the case of supervision received through fee for services, the social worker shall obtain the client's written consent to disclose documentation to the supervisor.

(e) The social worker shall disclose that he or she is practicing under supervision, and shall identify the supervisor for the client.

(f) The supervisor shall provide written progress reports concerning the social worker to the social worker and the employer on at least a quarterly basis.

1. The progress report shall contain an assessment of at least the following information concerning the social worker:

- i. Ability to establish a professional relationship;
- ii. Ability to assess client's needs and to plan appropriate interventions;
- iii. Ability to make interventions appropriate to client needs;
- iv. Ability to be flexible in choosing and changing interventions as appropriate;
- v. Ability to assess prudently the supervisee's own capacities and skills in a professional situation;

vi. Ability to work effectively in a one-to-one relationship;

vii. Ability to work effectively in a group situation;

viii. Ability to work effectively where systems level interventions are required; and

ix. A detailed description of any areas of concern which the supervisor perceives in the social worker's performance.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote the section.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(b), 35 N.J.R. 2936(b).

Rewrote the section.

SUBCHAPTER 9. GENERAL OBLIGATIONS OF LICENSEES AND CERTIFICATE HOLDERS; UNLICENSED PRACTICE

13:44G-9.1 Notification of change of address; service of process; notice of disciplinary action in another jurisdiction

(a) Each licensee and certificate holder shall notify the Board, in writing, within 30 days of any change in the address on file with the Board and shall specify whether the address is a residence or employment address.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(c) Each licensee and certificate holder shall, within 30 days of receiving a notice of disciplinary action taken against the licensee or certificate holder in another jurisdiction, report to the Board in writing his or her receipt of such notification.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(a).

13:44G-9.2 Notification of change of name

(a) Any licensee or certificate holder whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name the following:

1. Legal evidence of such change; and
2. A copy of the licensee or certificate holder's original license or certificate with proof that he or she is the same person to whom the Board issued the license or certificate.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue to the individual a new license or certificate.

(c) Upon receipt of the new license or certificate as set forth in (b) above, the licensee or certificate holder shall immediately remit the original license or certificate to the Board.

New Rule, R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Former N.J.A.C. 13:44G-9.2, "Unlicensed practice of social work" recodified to N.J.A.C. 13:44G-9.3.

13:44G-9.3 Unlicensed practice of social work

(a) The following acts or practices shall be deemed to be the unlicensed practice of social work:

1. Offering or rendering social work services by any person other than a LCSW, a LSW or a CSW or any person who is not exempt from licensure under the Social Workers' Licensing Act, N.J.S.A. 45:15BB-5.
2. The use by any person other than a LCSW, a LSW or a CSW of any title or designation that includes the words social worker or social work or that may mislead the public, such as, but not limited to, social worker, licensed clinical social worker, licensed social worker, certified social worker, medical social worker, social work technician; and any of the abbreviations SW, LCSW, LSW, CSW, SWT or similar abbreviations. Licensed and certified social workers shall use only the title or designation corresponding to the license or certification held.
3. Engaging in the independent practice of clinical social work for a fee by any person other than a LCSW.
4. Offering or rendering clinical social work services by a LSW, unless the LSW is under supervision pursuant to N.J.A.C. 13:44G-3.2 and 8.1.
5. Offering or rendering clinical social work services by an individual working in a nonprofit organization, and possessing a master's degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education, unless that individual possesses a license issued by the Board.
6. Offering or rendering clinical social work services by a CSW.

Recodified from N.J.A.C. 13:44G-9.2 and amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted new 5 and recodified former 5 as 6.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Substituted "LCSW" for "licensed clinical social worker", "LSW" for "licensed social worker" and "CSW" for "certified social worker" throughout.

SUBCHAPTER 10. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

13:44G-10.1 Display of notice of licensure or certification; notification of availability of fee information

(a) All LSWs or CSWs employed in an agency setting and LCSWs conducting independent practice shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the social worker's clients:

1. "Social workers are licensed or certified by the Board of Social Work Examiners, an agency of the Division of Consumer Affairs. You may notify the Board of any complaint relative to the practice conducted by a social worker. The Board's address is Division of Consumer Affairs, Board of Social Work Examiners, Post Office Box 45033, 124 Halsey Street, Newark, New Jersey 07101."
2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Substituted references to LSWs or CSWs for licensed or certified social workers throughout.

13:44G-10.2 Financial arrangements with clients

(a) Fees for social work services and clinical social work services shall be reasonable and commensurate with the status and experience of the social worker when compared with fees of social workers offering like services or treatment in the geographic area and shall be consistent with the provisions of N.J.A.C. 13:44G-10.10 prohibiting excess fees.

(b) Where payment of the usual fee would be a hardship, a social worker shall refer the client to other sources for provision of needed services.

(c) Before providing social work services or clinical social work services, a licensee or certificate holder shall assist the client to understand financial arrangements. The information shall include, but not be limited to:

1. The identity of the person or entity responsible for payment of the fee for services;
2. The fee for services or the basis for determining the fee to be charged;
3. Whether the licensee or certificate holder will accept installment payments; and
4. The financial consequences, if any, of missed appointments.

(d) The provisions of this section shall not apply to a social worker in an agency setting.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted a reference to clinical social work services; and added (c) and (d).

13:44G-10.3 LCSW; financial arrangements with clients

(a) In addition to complying with N.J.A.C. 13:44G-10.2, a licensee providing clinical social work services shall prepare and maintain a written list of current fees for standard services and, upon request, shall provide the list to clients.

(b) The licensee shall include all of the following information on the list:

1. Whether Medicaid clients are accepted;
2. Whether Medicare clients are accepted;
3. Whether other third party payor plans are accepted;
4. Whether insurance payments (excluding deductible and copay) are accepted as payment in full; and
5. Whether special fee categories are available, such as senior citizens or members of designated groups (for example, preferred provider plan members).

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted a reference to N.J.A.C. 13:44G-10.2; and deleted former (c).

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

13:44G-10.4 Conflicts of interest

(a) A social worker providing social work services shall not provide those services in circumstances that would be expected to limit the social worker's objectivity and impair professional judgment or increase the risk of exploitation.

(b) A social worker providing clinical social work services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, professional treatment of employees, tenants, students, supervisors, close friends or relatives and supervision of close friends and relatives.

(c) A social worker who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Added (a); redesignated former (a) as (b), and added a reference to supervision of close friends and relatives; and deleted former (b).

13:44G-10.5 Professional interaction with clients

(a) A social worker shall advise the client or the client's legal guardian, in terms the client or guardian can understand, of the nature and purposes of the services to be rendered and the limits and obligations associated with such services. In circumstances where the confidential information may be requested and where disclosure of the confidential information may be legally required, the client or the client's legal guardian shall be notified in writing. These disclosures shall occur as soon as possible in the social worker-client relationship and, as needed, through the course of the relationship.

(b) A social worker shall not provide social work services while under the influence of alcohol or any mind altering drug that impairs delivery of services.

(c) A social worker shall obtain competent professional assistance in order to determine whether to voluntarily suspend, terminate or limit the scope of the social worker's professional and/or scientific activities which are foreseeably likely to lead to inadequate performance or harm to a client, colleague, student or research participant.

(d) When interacting with a research subject, a social worker shall observe research requirements consistent with accepted standards of practice.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote (a).

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), deleted ", including, but not limited to" following "associated with such services" and inserted "the client or the client's legal guardian shall be notified in writing" following "confidential information may be legally required".

13:44G-10.6 Termination of services

(a) A social worker shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.

(b) A social worker shall not abandon or neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.

(c) A social worker who anticipates the termination or interruption of services to a client shall notify the client promptly and seek the transfer, referral or continuation of service in relation to the client's needs and preferences.

13:44G-10.7 Sexual misconduct, harassment; discrimination

(a) As used in this section, the following terms shall have the following meanings unless the context indicates otherwise:

1. "Client" means any person who is the recipient of a professional social work service rendered by a social worker. "Client," for purposes of this section, also means a person who is the recipient of professional social work services even if those services are unrelated to ongoing social work services.

2. "Client-social worker relationship" means an association between a social worker and a client wherein the social worker owes a continuing duty to the client to be available to render professional social work services consistent with his or her training and experience.

3. "Harassment" means deliberate or repeated comments, contacts, or gestures which intimidate or offend an individual on the basis of that individual's race, religion, color, national origin, marital status, sexual orientation, physical or mental disability or any other preference or personal characteristic, condition or status.

4. "Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the social worker's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal or other opening of the other person's body.

5. "Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a social worker's activities or role as a provider of social work services, and that is unwelcome, offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may include conduct of a non-sexual nature if it is based upon the sex of an individual. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to conduct of a licensee with a client, co-worker, employee, student or supervisee whether or not such individual is in a subordinate position to the licensee.

(b) A social worker shall not accept as a client an individual who, within the immediately preceding 24 months, was the social worker's sexual partner.

(c) A social worker shall not engage in sexual contact with a client with whom the social worker has a client-social worker relationship, a former client to whom any social work services were rendered within the immediately preceding 24 months, a current student, a supervisee or supervisor or a research participant.

1. The 24 month limitation shall not apply, and the prohibition shall extend indefinitely, in circumstances where the former client is or should be recognized by the social worker as clearly vulnerable by reason of emotional

or cognitive disorder to exploitive influence by the social worker.

(d) A social worker shall not condone or engage in sexual harassment or harassment.

(e) A social worker shall not condone or engage in any form of discrimination on the basis of an individual's race, age, religion, color, national origin, marital status, gender, sexual orientation, physical or mental disability or any other preference or personal characteristic, condition or status.

(f) A social worker shall not seek or solicit sexual contact with a client, and shall not seek or solicit sexual contact with any person in exchange for professional services.

(g) A social worker shall not engage in any discussion of an intimate sexual nature with a client, unless that discussion is related to legitimate client needs. Such discussion shall not include disclosure by the social worker of his or her own intimate sexual relationships.

(h) A social worker shall not promote, permit or condone sexual contact between group members in therapy groups.

(i) A social worker shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the social worker's personal prurient interests, is for the sexual arousal or the sexual gratification of the social worker or the client, or constitutes the sexual abuse of the social worker or the client.

(j) It shall not be a defense to any action under this section that:

1. The client solicited or consented to sexual contact with the social worker; or

2. The social worker was in love with or had affection for the client.

(k) Violation of any of the prohibitions or directives set forth herein shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) or (d) or professional misconduct pursuant to N.J.S.A. 45:1-21(e).

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote the section.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

13:44G-10.8 Reporting of violations by other licensees

(a) A social worker shall promptly notify the Board when in possession of information which reasonably indicates that another licensee or certificate holder has demonstrated an impairment, gross incompetence or unprofessional conduct which would present an imminent danger to a client or to the public health, safety or welfare.

1. When the information is obtained in the course of a professional or consulting relationship with a client, and the client is unwilling or unable to make the report, the social worker shall report the information only with the written permission of the client.

2. When the information is obtained in the course of treating a client-social worker, the treating social worker shall not be obligated to notify the Board if:

i. The treating social worker reasonably believes that the improper conduct has ceased and that the treatment is preventing a recurrence of the impairment, incompetence or professional misconduct; or

ii. The treating social worker has reasonable cause to believe that the client-social worker is currently receiving professional supervision and pursuing education to correct the deficiency.

13:44G-10.9 Prohibition on solicitation; unethical referrals and kickbacks

(a) A social worker who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a social worker from offering to the client all appropriate options upon termination of services at the agency, including the continuation of services in private practice.

(b) A social worker shall not refer a client to a service in which the social worker or his or her immediate family has a financial interest, as defined in the Health Care Cost Reduction Act, N.J.S.A. 45:9-22.4 et seq., including an equity or ownership interest in a practice or in a commercial entity holding itself out as offering a health care service.

(c) A social worker shall not prescribe goods or devices which the social worker sells or leases to the client unless the social worker advises the client of the ownership or other interest in the goods or devices.

(d) A social worker shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.

(e) A social worker shall not permit the division of fees for professional services unless the social worker is engaged in a bona fide partnership or professional service corporation or employment relationship.

13:44G-10.10 Prohibition on excessive fees

(a) A social worker shall not charge an excessive fee for services. Factors which the Board may consider in determining whether a fee is excessive include, but are not limited to, the following:

1. The time or effort required to perform the service or treatment;
2. The skill required to properly perform the service or treatment;
3. The nature and length of the professional relationship with the client;
4. The experience, reputation and ability of the social worker performing the services;
5. The nature and circumstances under which services are provided; and
6. Whether the fee was set by an institution or agency.

SUBCHAPTER 11. ADVERTISING**13:44G-11.1 Definitions**

For purposes of this subchapter, the following terms shall have the indicated meanings unless the context clearly indicates otherwise:

"Advertisement" means an attempt, directly or indirectly by publication, dissemination or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase social work services, treatment or goods related thereto.

"Certified" or "certifications" means that a social worker shall have fulfilled all requirements of the agency granting certification and shall have earned a certificate upon satisfactory completion of a program directly related to social work.

"Diplomate" means that a social worker shall have satisfactorily completed a program approved by the American Board of Examiners in Clinical Social Work or shall have had diplomate status conferred by the National Association of Social Workers.

"Electronic media" include, but are not limited to, radio, television, telephone and other electronic means of communication.

"Print media" include, but are not limited to, business cards, newspapers, magazines, periodicals, professional journals, telephone directories, circular, handbills, flyers, billboards, signs, direct mail, matchcovers and other items disseminated by means of the printed word.

"Range of fees" means a statement of fees containing an upper and lower limit on the fees charged for services or goods offered by a social worker.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In "Electronic media" deleted a second sentence; in "Print media" deleted a second sentence; and deleted "Professional service".

13:44G-11.2 Advertising; general requirements

(a) A social worker shall be able to substantiate the truthfulness of any material, objective assertion or representation set forth in an advertisement.

(b) A social worker who is a principal, partner or officer of a firm or entity identified in an advertisement as offering social work services or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a social worker affiliated with the firm.

(c) A social worker shall assure that an advertisement does not misrepresent, suppress, omit or conceal a material fact. Omission, suppression or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the social worker knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), deleted ", when requested by the Board to do so" at the end.

13:44G-11.3 Minimum content

(a) A social worker shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards and professional stationery:

1. Name, identification of licensure or certification status; and
2. Street address and telephone number of the practice location.

(b) A social worker may petition the Board for waiver of the requirement to list street address for good cause. A social worker shall submit a request for a waiver in writing which shall detail the reason(s) for the request which may include, but is not limited to, the maintenance of personal or client safety.

13:44G-11.4 Use of professional credentials and certifications

(a) A social worker shall accurately and objectively represent his or her competence, education, training, experience and diplomate status, as held at the time of the representation.

(b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of social work and shall refer only to degrees obtained from accredited academic institutions.

(c) An advertisement that includes information on social work certification or diplomate status shall include the full name of the agency conferring the certification or diplomate or the recognized name or abbreviation of the certification or diplomate.

(d) In addition to the information required to appear pursuant to N.J.A.C. 13:44G-11.3, letters or abbreviations that may appear immediately adjacent to the social worker's name shall be limited to those representing the following:

1. The highest academic degrees earned related to the practice of social work;
2. Current social work certifications or diplomate status as defined in N.J.A.C. 13:44G-11.1; and
3. Other licenses or certifications issued by another state or Federal agency.

(e) Letters or abbreviations appearing immediately adjacent to the social worker's name shall appear in the following order only: highest academic degrees earned related to the practice of social work; licensure or certification; social work certifications or diplomate status. For example, MSW, LCSW, BCD.

(f) Nothing in this section shall preclude any truthful and non-deceptive statement in regard to education or experience in a particular area of social work.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted a reference to diplomate status; and in (e), specified that degrees be related to the practice of social work.

13:44G-11.5 Advertisements regarding fees; required disclosures

(a) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described social work services.

(b) A social worker who advertises a fee or range of fees shall include the following disclosures in any such advertisement:

1. All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. In the absence of such disclosures, the stated fees shall be presumed to include everything ordinarily required for the advertised services;

2. The additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the social worker shall be prohibited from charging an additional fee for the advertised service; and

3. The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.

(c) The advertisement of any specific fee shall not preclude the social worker from decreasing the fee or waiving the fee in individual circumstances.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), substituted a reference to social work services for a reference to professional services.

13:44G-11.6 Prohibited types or method or methods of advertising

(a) A social worker shall not guarantee that satisfaction or a cure will result from the performance of professional services.

(b) A social worker shall not communicate information that may identify a client without the client's written consent.

(c) A social worker shall not offer a professional service which the social worker knows or should know is beyond his or her ability to perform, and shall adhere to the specifications set forth in N.J.A.C. 13:44G-10.5.

(d) A social worker shall not advertise any technique or communication which appears to intimidate, exert undue pressure or unduly influence a prospective client.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (c), required adherence to specifications set forth in N.J.A.C. 13:44G-10.5.

13:44G-11.7 Use of testimonials

(a) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a provider relationship with the social worker or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.

(b) Prior to using the testimonial, the social worker shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.

(c) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.

(d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(e) A social worker shall be able to substantiate any statement of fact appearing in a testimonial.

(f) Where a social worker directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent:

COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (e), deleted a second sentence.

13:44G-11.8 Retention of advertisements

(a) The social worker shall retain for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The social worker shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

(b) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of the last use. Documentation shall include, but not be limited to:

1. The name, address and telephone number of the testimonial giver;
2. The type and amount or value of compensation; and
3. The notarized statement and release required pursuant to N.J.A.C. 13:44G-11.7(b).

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), substituted "or electronic media" for "media as well as a video or audio tape of every advertisement communicated by electronic media" at the end of the first sentence, and inserted a reference to dissemination in the second sentence.

SUBCHAPTER 12. CLIENT RECORDS; CONFIDENTIALITY

13:44G-12.1 Preparation and maintenance of client records

(a) A social worker shall prepare and maintain for each client a contemporaneous, permanent client record that accurately reflects the client contact with the social worker whether in an office, hospital or other treatment, evaluation or consultation setting.

(b) A social worker shall include at least the following information in the client record:

1. The client name (on each page of the record), address and telephone number;
2. The location and dates of all treatment, evaluation or consultation settings;
3. The identity of each provider of treatment, evaluation or consultation and the supervisor, if any;
4. The presenting situation;
5. Significant social history;
6. Past and current medications, when appropriate;
7. A social work assessment, unless a separate record is kept;
8. A treatment or service plan;
9. Progress notes for each session;
 - i. A social worker may dictate progress and session notes for later transcription provided the transcription is dated and identified as preliminary pending the social worker's final review and approval;
10. Information regarding referrals to other professionals and reports and records provided by other professionals; and
11. Fees charged and paid unless a separate financial record is kept.

(c) A social worker providing clinical services shall include in the client record the following information, in addition to the information required pursuant to (a) above:

1. Significant medical and psychosocial history;
2. A diagnostic assessment; and
3. Prognosis.

(d) The social worker shall periodically review and update the treatment or service plan.

(e) The social worker shall retain the permanent client record for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a minor, until age 25.

- i. This requirement shall not apply to a social worker in an agency setting where it is not the policy of the agency to allow the social worker to maintain control over the retention of client records.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (b)7, added " , unless a separate record is kept"; and in (e), added i.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Deleted (f).

13:44G-12.2 Use of computer to prepare client records

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;
2. Automatically prepares a back-up copy of the file; and
3. Is designed in such manner that, after the social worker "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) The social worker shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.

(c) The social worker shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the social worker responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner.

(d) Social workers shall document any addenda or corrections to a client's record in a separately dated, signed and timed note.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote (d).

13:44G-12.3 Confidentiality

(a) A social worker shall preserve the confidentiality of information obtained from a client in the course of performing social work services for the client, including after the death of a client, except in the following circumstances.

1. Disclosure is required by Federal or state law or regulation.

2. Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation.

3. Disclosure is required by a court of competent jurisdiction pursuant to an order.

4. The client would present a clear and present danger to the health or safety of an individual if the social worker fails to disclose the information.

5. The social worker is a party defendant to a civil, criminal or disciplinary action arising from the social work services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action.

6. The patient or client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses on that person's behalf.

7. The patient or client agrees to waive the privilege accorded by this section. In circumstances when more than one person in a family is receiving social work services, each family member who is at least 14 years of age or older must agree to the waiver. Absent a waiver of each family member, a social worker shall not disclose any information received from any family member.

(b) A social worker shall establish and maintain a procedure to protect the client record from access by unauthorized persons.

(c) The social worker shall establish procedures for maintaining the confidentiality of client records in the event of the social worker's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in accordance with the time frame set forth in N.J.A.C. 13:44G-12.1(e) in the event of the social worker's separation from a group practice.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)7, inserted "who is at least 14 years of age or older" in the second sentence; and in (c), inserted a reference to the time frame set forth is N.J.A.C. 13:44G-12.1(e).

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), inserted "including after the death of a client" following "for the client" in the introductory paragraph, deleted the N.J.S.A. and C.F.R. reference in 1, and rewrote 4.

13:44G-12.4 Release of client record

(a) At the written request of the client or authorized representative, a social worker shall provide the client record or a summary thereof, within 30 days of the request directly to:

1. The client or the client's guardian, except that:

i. A social worker may withhold information contained in the client record from a client or the client's guardian if, in the reasonable exercise of his or her professional judgment, the social worker believes release of the information would adversely affect the client's health or welfare; and

ii. Pursuant to N.J.S.A. 9:17A-1 et seq. the social worker shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

2. The client's health insurance carrier. Only the following basic information shall be provided. The information provided shall be marked "Confidential" and forwarded to the attention of a specific individual if identified by the client or authorized representative.

i. The client's name, age, sex, address, educational status, identifying number within the insurance program, date of onset of difficulty, date of initial consultation, dates and character of sessions (individual or group) and fees;

ii. Diagnostic information, defined as therapeutic characterizations of the type found in the current version of the DSM or in another professionally recognized diagnostic manual;

iii. Status of the client (voluntary or involuntary; inpatient or outpatient);

iv. The reason for continuing social work services, limited to an assessment of the client's current level of functioning and level of distress. Each aspect shall be described as "none," or by the term mild, moderate, severe or extreme; and

v. Prognosis, limited to an estimate of the minimal time during which treatment might continue.

3. Another licensed health care professional, hospital, nursing home or similar licensed institution which is providing or has been asked to provide treatment to the client.

(b) A social worker may elect to provide a summary of the client record, as long as the summary adequately reflects the client's history and treatment, unless otherwise required by law.

(c) A social worker may charge a reasonable fee for the reproduction of the client record or the preparation of a summary. The fee shall be no greater than an amount reasonably calculated to recoup the costs of copying or transcription.

(d) A social worker shall not charge a fee for completion of health insurance claim forms.

(e) A social worker may charge a reasonable fee for completion of reports required for third party reimbursement of client treatment expenses when the third party makes a separate request for reports to be completed.

1. If additional information is requested by a third party, the social worker shall procure informed consent from the client for release of the specific information requested.

(f) When a report is needed to enable a client to receive ongoing care by another practitioner or for use in judicial proceedings, a social worker shall not require advance payment as a condition for releasing the report; except that a social worker may require advance payment for release of a report prepared by the social worker as an expert witness.

(g) This section shall not apply to a social worker in an agency setting who does not, by agency policy, have control over or authority to release client records.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (f), added "when the third party makes a separate request for reports to be completed" at the end of the first sentence, and added 1.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), inserted "written" preceding "request" in the introductory paragraph; deleted (b) and recodified former (c) through (h) as (b) through (g).

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. FEES

13:44G-14.1 Fees

(a) Charges for licensure, certification and other services:

1. Application fee \$ 75.00
2. Initial clinical license fee:
 - i. If paid during the first year of a biennial renewal cycle \$160.00
 - ii. If paid during the second year of a biennial renewal cycle \$80.00
3. Initial license fee:
 - i. If paid during the first year of a biennial renewal cycle \$120.00
 - ii. If paid during the second year of a biennial renewal cycle \$60.00
4. Initial certification fee:

- i. If paid during the first year of a biennial renewal cycle \$70.00
- ii. If paid during the second year of a biennial renewal cycle \$35.00
5. Clinical license renewal fee, biennial \$160.00
6. License renewal fee, biennial \$120.00
7. Certification renewal fee, biennial \$70.00
8. Late renewal fee 100.00
9. Inactive fee (To be set by the Director by regulation)
10. Reinstatement fee 150.00
11. Endorsement fee 75.00
12. Duplicate wall certificate 40.00
13. Change of address 25.00
14. Verification of licensure/certification \$25.00
15. Duplicate license 25.00
16. Verification of continuing education credits 40.00
17. Continuing education fees:
 - i. Continuing education sponsors (biennial) \$100.00

Amended by R.1996 d.279, effective June 17, 1996.

See: 28 N.J.R. 1597(a), 28 N.J.R. 3179(a).

Reduced fees.

Amended by R.1997 d.167, effective April 7, 1997.

See: 28 N.J.R. 4733(a), 29 N.J.R. 1342(a).

Added (a)15.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), inserted a new 9 and 15 and recodified former 9 through 13 as 10 through 14 and former 14 through 15 as 16 through 17; deleted ii.